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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,478

12/03/2003

Gudmundur Fertram Sigurjonsson

SIGU3003/JEK/JJC

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EXAMINER

LEWIS, KIM M

ART UNIT

PAPER NUMBER

3772

MAIL DATE

DELIVERY MODE

05/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,478

Applicant(s)

SIGURJONSSON ET AL.

Examiner

Kim M. Lewis

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3772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-21 is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☒ Other: Detailed Action.

DETAILED ACTION

Response to Amendment

1. The amendment filed on 2/1/07 has been received and made of record. As requested the specification and claims 1 and 12 have been amended. Claims 7 and 10 have been canceled. Claim 21 has been added.
2. Claims 1-6, 8-9 and 11-21 are pending the instant application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 8, 9, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,320,093 ("Augustine et al.").

As regards claims 1 and 8, Augustine et al. disclose a bandage for autolytic wound debridement that anticipates applicant's presently claimed invention. More specifically, Augustine discloses a wound dressing (310) comprising an absorbent core (325) having opposed proximal and distal surfaces, and defining border and central portions along the distal surface thereof (applicant should note that the border portion is the portion of the core secured to the cover and the central portion and intermediate portions is the portion of the absorbent core within the boundaries of the cover), a liquid,

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impervious vapor permeable backing layer (cover 315, note col. 8, lines 3-47) secured to the absorbent core, said backing layer having at least one compliant element (the portion of the cover not attached to the absorbent core) disassociated from the absorbent core wherein the backing layer is permanently secured, thereby being sealed to the absorbent core along peripheral edges of the absorbent core.

As regards claim 2, the compliant element corresponds to the intermediate portion of the absorbent core between the border portion and the central portions.

As regards claims 4 and 9, as can be seen in Fig. 3, the border portion of the absorbent core includes a beveled portion, and the cover is permanently secured by adhesive.

As regards the ridge of claim 11, note Figs 3 and 3A.

As regards claim 12, as can be seen from Figs. 3 and 3A, the compliant element is defined as the portion of the backing layer extending generally co-planar with the distal surface of the absorbent core when the wound is substantially devoid of moisture

As regards claims 15 and 16, note the embodiment of Fig. 2, which includes cover sheet (215) constructed from polyethylene and an absorbent core(216) constructed from foam (col. 6, line 11-58).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 3, 5, 6, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Augustine et al.

As regards claims 3, 5 and 6, Augustine et al. fail to teach the particulars regarding the thickness of the absorbent core as presently claimed. However, since dimensional changes are considered obvious, the examiner contends that it would have been within the level of ordinary skill in the art to modify the thickness of any portion of the absorbent core as needed in order to effect change in the absorbed amount of fluid.

As regard claims 13 and 14, Augustine et al. fail to teach a perforated, skin adhesive facing layer of silicone gel. Augustine et al. do, however, disclose a silicone gel.

Silicone gels used as adhesive in wound dressings are commonly known and used in the art for its low tack. Thus, one having ordinary skill in the art would have been motivated to substitute the adhesive of Augustine et al. for a silicone gel layer in order to provide the dressing with a low tack adhesive that does not cause trauma to the

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skin when removed. As to the perforations in the adhesive, it is also commonly known to provide the adhesive with perforations or patterns in order to allow the skin the breath. Thus, one having ordinary skill in the art would have been motivated to provide the device of Augustine et al. with a perforated, low tack adhesive in order to provide the user with a dressing that also allows the skin to breathe at the site of the adhesive.

Allowable Subject Matter


8. Claims 17-21 are allowed.
9. The indicated allowability of claim 7 is withdrawn in view of the newly discovered reference(s) to Augustine et al. Rejections based on the newly cited reference(s) appear above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim M. Lewis whose telephone number is (571) 272-4796. The examiner can normally be reached on Monday to Friday, from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco, can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kim M. Lewis
Primary Examiner
Art Unit 3772

kml
April 30, 2007